

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Joseph Sieber, Chairman;
Gerald Yarbrough, Vice Chairman;

FROM: Nancy Hunt, Executive Secretary
Board of Review

Subject: Minutes of the September 17, 2014
Board of Review Meeting

Date: September 23, 2014

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, September 17, 2014, at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. **The next regular meeting of the Board of Review is scheduled for Wednesday, September 24, 2014, at 9:00 a.m.** at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Mr. Sieber, Chairman
Mr. Yarbrough, Vice-Chairman
Ms. Futterman, Board Member
Ms. Hunt, Executive Secretary

2. Following a motion by Mr. Yarbrough and seconded by Ms. Futterman, the minutes of the September 10, 2014 meeting were approved.

3. Old Business

(a) 438,875

Ms. Alverio presented this case regarding whether the claimant voluntarily left her employment for other work. The Board of Review voted to affirm the decision of the Appeal Tribunal holding the claimant disqualified for benefits under N.J.S.A. 43:21-5(a), as the separation was voluntary and without good cause attributable to the work. Ms. Alverio will prepare the affirmation.

4. New Business

(a) 441,641

This matter, presented by Ms. Futterman, involved whether the claimant, a liquor salesman, was unemployed during a week in which his employer was closed. The Appeal Tribunal held that the claimant was unemployed and eligible for unemployment benefits. The Board, after discussion, reversed the decision of the Appeal Tribunal, holding that the claimant was not unemployed, in accordance with N.J.S.A. 43:21-9(m)(1) and the decision of the Appellate Court in *Capital Wine & Spirits Co. v. Board of Review*, *Docket No. A-5884-10T3, Decided July 15, 2013*. Mr. Sieber will prepare the decision.

(b) Dkt. No. 00019619

Ms. Hart presented this issue to the Board to decide if a liquor salesman was unemployed during the employer's one week shutdown. The Appeal Tribunal held that the claimant was unemployed. The Board, after consideration, reversed the decision and held the claimant was not unemployed in accordance with N.J.S.A. 43:21-19(m)(1). Ms. Hart will prepare the decision.

(c) Dkt. No. 00007056

Ms. Hart presented this matter, regarding whether the claimant voluntarily left the employment or was discharged, and if the separation was for disqualifying reasons. The Appeal Tribunal held the claimant was not disqualified under N.J.S.A. 43:21-5(a) and N.J.S.A. 43:21-5(b). The Board, after discussion, voted to reverse the decision of the Appeal Tribunal and hold that the claimant left work voluntarily for reasons which were disqualifying under N.J.S.A. 43:21-5(a). Ms. Hart will prepare the decision.

(d) Dkt. No. 00018714

This issue, presented by Ms. Keller, was regarding whether the claimant, employed as a banking specialist, was discharged due to actions which violated the employer's conduct and confidentiality rules. The Appeal Tribunal held the claimant was discharged for severe misconduct connected with the work under N.J.S.A. 43:21-5(b). After discussion, the Board decided the claimant was not discharged for severe misconduct, but that the discharge was for simple misconduct. Ms. Keller will prepare the remand.

There being no further business to transact, a motion was made by Ms. Yarbrough to adjourn the meeting. Ms. Futterman seconded the motion.

SUBMITTED FOR APPROVAL:

Nancy Hunt
Executive Secretary

NH:ldv